

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
MICHIGAN SOUTHERN DIVISION**

KEVIN A. GARY)	Case No. 2:17-cv-10544-GAD-EAS
)	
Plaintiff,)	Honorable Gershwin A. Drain
)	Magistrate Judge Elizabeth A. Stafford
v.)	
)	
TRUEBLUE, INC.,d/b/a/)	
LABOR READY, INC., d/b/a/)	
PEOPLEREADY, INC)	

**DECLARATION OF KEVIN A. GARY IN SUPPORT OF
HIS OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY
JUDGMENT**

I declare under penalty of perjury pursuant to 28 U.S.C. section 1746 as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I am the Plaintiff in the above-styled case.
3. Plaintiff is the sole owner and user of phone number 248-703-xxxx. where text messages were sent to the Plaintiffs cellphone.
4. All of the messages used in this motion Exhibits D, E, G came from the Defendants through discovery in this matter. All other text messages in this motion Exhibits C, F, are screenshots were captured by picture on the

Plaintiffs personal cellphone, and therefore constitute personal first-hand knowledge or its origin.

5. On September 17, 2016, Plaintiff asked the work alert system “twice”, to not contact him anymore. Exhibit A¶ 3 Statement of Disputed Facts, Comp ¶ 17
6. On October 14, 2016, Plaintiff went into the local branch of Detroit, and talked to a representative named Maleeka, and asked her to remove him from the text message alert system. He stated that he wished to continue to work, but did not want to continue to receive the text messages. Exhibit A, SDF ¶ 4
7. On December 6, 2016, Plaintiff again went into the local branch of Detroit and talked to a representative, and asked her to remove him from the text message alert system. He stated that he wished to continue to work, but did not want to continue to receive the text messages. SDF ¶ 5
8. On February 23rd and 26th, 2017, Plaintiff again text the work alert system on (4) four occasions and asked the system “to not contact him anymore”. SDF ¶ 6
9. Plaintiff called the Trenton Michigan office and talked to a representative and asked to be removed from the texting alert system. SDF ¶ 7

10. On February 22, 2017, @ 2141 Plaintiff received a letter from a representative named Katrina that stated the following:

By legal request, opted Kevin Gary out of Work Alert by changing primary contact number to residence and setting best time to call field to Do Not Contact. K Bellizzi SDF ¶ 8, Exhibit G

11. February 22, 2017, @ 2226 Plaintiff received a letter from a representative named Katrina that stated the following:

By legal request, opted Kevin Gary out of Work Alert by changing primary contact number to residence and setting best time to call field to Do Not Contact. K Bellizzi SDF ¶ 8, Exhibit G

12. After texting the system to be removed from text alerts, and talking to the representative, Plaintiff continued to receive a plethora of text messages against his wishes up until August 2017. SDF ¶ 10

13. After revoking consent to be contacted on his cellphone, Plaintiff received over five-thousand-six-hundred (5,650) text messages. SDF ¶ 11

14. The Defendants would discourage clients from visiting the local branches to inquire about work. The Defendants routinely makes potential workers use the automated system (“work alert”) or they would be suspended or fired and not able to provide for a living. SDF ¶ 12

15. On several occasions the Plaintiff text to the automated system using his cellphone and was replied to in less than a second. SDF ¶ 13

I declare under penalty of perjury that the foregoing is true and correct.

Kevin A. Gary

/s/Kevin A. Gary

Date: September 4th, 2018